

*The Department of Toxic Substances Control is one of six Boards and Departments within the California Environmental Protection Agency. The Department's mission is to restore, protect and enhance the environment, and to ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.*



State of  
California



Department of Toxic  
Substances Control

# Managing Hazardous Waste

FACT SHEET, January 2004

## Rejected Shipments of Hazardous Wastes

Legislation addressing the management of rejected hazardous wastes (Assembly Bill 1348 (Lowenthal)) was chaptered into law in Health and Safety Code (Health & Saf. Code) §§25160.4 and 25160.6. Most provisions of the new law became effective on January 1, 2004; however, the requirement to prepare a new manifest for rejected shipments becomes effective on January 1, 2005.

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has prepared this fact sheet to provide generators, transporters, and treatment, storage and disposal facilities (TSDFs) guidance on how to manage rejected shipments of hazardous wastes.

The new provisions address when to prepare a new manifest and the specific requirements for rejecting shipments of hazardous wastes. These provisions clarify existing law.

### WHAT ARE REJECTED SHIPMENTS?

A rejected shipment of hazardous waste (also known as a rejected load) is a shipment that a TSDF operator receives but cannot accept because of restrictions in the TSDF's permit, capacity limitations or other reasons. A shipment may be partially rejected if a TSDF operator accepts some of the hazardous waste and rejects the remainder. The rejection may occur before or after the TSDF operator signs the manifest and accepts delivery of the waste.

### MANAGEMENT OF REJECTED HAZARDOUS WASTE SHIPMENTS

The generator is responsible for accurately classifying the waste on a manifest and determining that the TSDF is permitted to accept it. (Cal Code Regs., Title 22, §§66262.11 & 66262.20).

A generator who sends hazardous wastes for off-site treatment, storage, or disposal is required to prepare a manifest (Cal. Code Regs., Title 22, §§66262.20).

The transporter must complete, sign and date the "Transporter of Waste" section of the manifest and return a signed copy to the generator before leaving the generator's property (Cal. Code Regs., Title 22, §§66263.20).

Under the new law, the TSDF must sign the manifest after fully unloading the shipment (Health & Saf. Code, §25160.6(a)(2)). If the TSDF rejects the entire load before the manifest is signed, the original manifest must be used to ship the wastes to an alternate facility, or back to the generator (Health & Saf. Code, §25160.6(a)(1)).



However, if the original manifest has been signed, the TSDf operator must prepare a new manifest to ship the wastes to an alternate TSDf of the generator's choice, or returned to the generator. The generator decides where to ship a hazardous waste and which transporter to use. The TSDf operator is responsible for contacting the generator to find out where to send the rejected load when no alternate TSDf is indicated on the manifest.

Under the new provisions, the original and new manifests must be cross-referenced. When preparing a new manifest to accompany a rejected load:

- enter the number of the original manifest in box 19 of the new manifest and
- enter the new number of the manifest in box 19 of the original manifest (Health & Saf. Code, §25160.6(a)(3)).

#### **GENERATOR MANAGEMENT OF REJECTED WASTE**

Under the new provisions, a generator that receives its rejected wastes back is considered a "designated facility" and must comply with management standards for the rejected wastes (Health & Saf. Code, §25160.6(b)(f)) (Cal. Code Regs., Title 22, §§66260.10, 66265.71-2). They must:

- Accumulate the rejected waste on site for 90 days or less (Cal. Code Regs., Title 22, §66262.34).
- Label the waste in a manner that indicates that it is rejected waste and include the date it was received by the generator.
- If the generator of the rejected waste commingles it with other wastes, the shorter of any applicable accumulation limits will apply to the commingled waste (Health & Saf. Code, §25160.6(d)).

If a transporter consolidates shipments of waste pursuant to Health and Safety Code, Section 25160.2 and the consolidated wastes are rejected, the wastes must be held on the transport vehicle at the transporter's facility for no more than 10 days

from the date the shipment was rejected (Health & Saf. Code, §25160.6(e)).

#### **PARTIAL REJECTION OF WASTE**

If a TSDf operator discovers before signing the manifest that portions of the shipment must be rejected, the TSDf operator must either:

- reject the entire shipment without signing the manifest; or
- reject portions of the shipment and prepare a new manifest for the portions of the shipment that were rejected. Photocopies of signed manifests cannot be used to transport hazardous wastes.

#### **NEW DEFINITION**

When preparing a new manifest, a TSDf that rejects all or part of a hazardous waste shipment is not the generator of the wastes, but is the "offeror" of the rejected hazardous waste. As the "offeror," the TSDf is responsible for ensuring that the hazardous waste is properly prepared for shipment. The TSDf must also comply with regulations concerning manifest use, container condition and management, container packaging, labeling, marking, and placarding the rejected waste.

#### **DISCLAIMER**

This fact sheet provides general information regarding rejected loads. Consult the statutes and regulations before making any decision that may impact regulatory compliance. The text of the regulations and related information is available on DTSC's Web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov) and in [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html) under Health & Safety Code, Division 20, Chapter 6.5, Article 6 and [www.calregs.com/](http://www.calregs.com/) under Title 22, Division 4.5.

If the United States Environmental Protection Agency adopts regulations that preempt or are more stringent than the State's requirements for load rejections, then generators, transporters and TSDfs will be required to comply with the federal regulations.



**For more information, please contact DTSC's regional  
Public and Business Liaisons at (800) 72TOXIC (1-800-728-6942)  
or visit DTSC's Web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).**